

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JACKIE BURKS; BRUNILDA PAGAN CRUZ;  
VENUS CUADRADO; and RHONDA DRYE,  
individually and on behalf of all persons similarly Civil Action No.  
situated,

Plaintiffs,

1:20-cv-01001(RPK)(PK)

-against-

**ANSWER AND CROSS-CLAIMS**

GOTHAM PROCESS, INC.; MULLOOLY, JEFFERY,  
ROONEY & FLYNN, LLP; BASSEM ELASHRAFI;  
and CARL BOUTON,

Defendants.  
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Defendant Mullooly, Jeffery, Rooney & Flynn, LLP (“Defendant”), by its undersigned attorneys, Abrams Garfinkel Margolis Bergson, LLP, as and for its Answer to Plaintiffs’ Amended Complaint (the “Complaint”), alleges as follows:

**RESPONDING TO THE “PRELIMINARY STATEMENT” ALLEGATIONS**

1. Denies the allegations set forth in paragraph 1 of the Complaint.
2. Denies the allegations set forth in paragraph 2 of the Complaint.
3. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 3 of the Complaint.
4. Denies the allegations set forth in paragraph 4 of the Complaint.
5. Denies the allegations set forth in paragraph 5 of the Complaint.
6. Denies the allegations set forth in paragraph 6 of the Complaint.
7. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 7 of the Complaint.

8. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 8 of the Complaint.

9. Denies the allegations set forth in paragraph 9 of the Complaint.

10. Denies the allegations set forth in paragraph 10 of the Complaint.

11. Denies the allegations set forth in paragraph 11 of the Complaint.

12. Denies the allegations set forth in paragraph 12 of the Complaint.

13. Denies the allegations set forth in paragraph 13 of the Complaint.

**RESPONDING TO THE “JURISDICTION AND VENUE” ALLEGATIONS**

14. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of paragraph 14 of the Complaint and respectfully refers all questions of the law to the Court.

15. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 15 of the Complaint and respectfully refers all questions of the law to the Court.

**RESPONDING TO THE “PARTIES” ALLEGATIONS**

16. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 16 of the Complaint.

17. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 17 of the Complaint.

18. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 18 of the Complaint.

19. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 19 of the Complaint.

20. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 20 of the Complaint and respectfully refers all questions of the law to the Court.

21. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 21 of the Complaint.

22. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 22 of the Complaint.

23. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 23 of the Complaint.

24. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 24 of the Complaint.

25. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 25 of the Complaint.

26. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 26 of the Complaint.

27. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 27 of the Complaint.

28. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 28 of the Complaint.

29. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 29 of the Complaint and respectfully refers all questions of the law to the Court.

30. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 30 of the Complaint and respectfully refers all questions of the law to the Court.

**RESPONDING TO THE “STATUTORY AND  
REGULATORY SCHEME” ALLEGATIONS**

31. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 31 of the Complaint and respectfully refers all questions of the law to the Court.

32. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 32 of the Complaint and respectfully refers all questions of the law to the Court.

33. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 33 of the Complaint and respectfully refers all questions of the law to the Court.

34. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 34 of the Complaint and respectfully refers all questions of the law to the Court.

35. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 35 of the Complaint and respectfully refers all questions of the law to the Court.

36. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 36 of the Complaint and respectfully refers all questions of the law to the Court.

37. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 37 of the Complaint and respectfully refers all questions of the law to the Court.

38. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 38 of the Complaint and respectfully refers all questions of the law to the Court.

39. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 39 of the Complaint and respectfully refers all questions of the law to the Court.

40. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 40 of the Complaint and respectfully refers all questions of the law to the Court.

41. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 41 of the Complaint and respectfully refers all questions of the law to the Court.

42. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 42 of the Complaint and respectfully refers all questions of the law to the Court.

43. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 43 of the Complaint and respectfully refers all questions of the law to the Court.

44. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 44 of the Complaint and respectfully refers all questions of the law to the Court.

45. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 45 of the Complaint and respectfully refers all questions of the law to the Court.

46. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 46 of the Complaint and respectfully refers all questions of the law to the Court.

**RESPONDING TO THE “FACTUAL ALLEGATIONS”**

47. Denies the allegations set forth in paragraph 47 of the Complaint.

48. Denies the allegations set forth in paragraph 48 of the Complaint.

49. Denies the allegations set forth in paragraph 49 of the Complaint.

50. Denies the allegations set forth in paragraph 50 of the Complaint.

51. Denies the allegations set forth in paragraph 51 of the Complaint, except admits that Defendant used Gotham as a process server in the lawsuits filed against the Named Plaintiffs.

52. Denies the allegations set forth in paragraph 52 of the Complaint.

53. Denies the allegations set forth in paragraph 53 of the Complaint, except admits that Defendant attempts to collect debt on behalf of Unifund, debt buyers, medical offices and hospitals.

54. Denies the allegations set forth in paragraph 54 of the Complaint.

55. Denies the allegations set forth in paragraph 55 of the Complaint, except admits that Defendant used Gotham as a process server in the lawsuits filed against the Named Plaintiffs.

56. Denies the allegations set forth in paragraph 56 of the Complaint.

57. Denies the allegations set forth in paragraph 57 of the Complaint.

58. Denies the allegations set forth in paragraph 58 of the Complaint.

59. Denies the allegations set forth in paragraph 59 of the Complaint.

60. Denies the allegations set forth in paragraph 60 of the Complaint.

61. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 61 of the Complaint.

62. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 62 of the Complaint.

63. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 63 of the Complaint.

64. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 64 of the Complaint.

65. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 65 of the Complaint.

66. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 66 of the Complaint.

67. Denies the allegations set forth in paragraph 67 of the Complaint.

68. Denies the allegations set forth in paragraph 68 of the Complaint.

69. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 69 of the Complaint.

70. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 70 of the Complaint.

71. Denies the allegations set forth in paragraph 71 of the Complaint.

72. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 72 of the Complaint.

73. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 73 of the Complaint.

74. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 74 of the Complaint.

75. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 75 of the Complaint.

76. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 76 of the Complaint.

77. Denies the allegations set forth in paragraph 77 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.

78. Denies the allegations set forth in paragraph 78 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.

79. Denies the allegations set forth in paragraph 79 of the Complaint.

80. Denies the allegations set forth in paragraph 80 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.



81. Denies the allegations set forth in paragraph 81 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.

82. Denies the allegations set forth in paragraph 82 of the Complaint.

83. Denies the allegations set forth in paragraph 83 of the Complaint.

84. Denies the allegations set forth in paragraph 84 of the Complaint.

85. Denies the allegations set forth in paragraph 85 of the Complaint.

86. Denies the allegations set forth in paragraph 86 of the Complaint.

87. Denies the allegations set forth in paragraph 87 of the Complaint.

88. Denies the allegations set forth in paragraph 88 of the Complaint, and respectfully refers the Court to the document referred to for its true and accurate contents.

89. Denies the allegations set forth in paragraph 89 of the Complaint, and respectfully refers the Court to the document referred to for its true and accurate contents.

90. Denies the allegations set forth in paragraph 90 of the Complaint.

91. Denies the allegations set forth in paragraph 91 of the Complaint, and respectfully refers the Court to the document referred to for its true and accurate contents.

92. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 92 of the Complaint, and respectfully refers the Court to the document referred to for its true and accurate contents.

93. Denies the allegations set forth in paragraph 93 of the Complaint.

94. Denies the allegations set forth in paragraph 94 of the Complaint.

95. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 95 of the Complaint, and respectfully refers the Court to the document referred to for its true and accurate contents.

96. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 96 of the Complaint.

97. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 97 of the Complaint

98. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 98 of the Complaint.

99. Denies the allegations set forth in paragraph 99 of the Complaint.

100. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 100 of the Complaint.

101. Denies the allegations set forth in paragraph 101 of the Complaint.

102. Denies the allegations set forth in paragraph 102 of the Complaint.

103. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 103 of the Complaint.

104. Denies the allegations set forth in paragraph 104 of the Complaint.

105. Denies the allegations set forth in paragraph 105 of the Complaint.

106. Denies the allegations set forth in paragraph 106 of the Complaint.

107. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 107 of the Complaint, except admits that Defendant filed a default judgment motion against Ms. Burks.

108. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 108 of the Complaint.

109. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 109 of the Complaint.

110. Denies the allegations set forth in paragraph 110 of the Complaint.
111. Denies the allegations set forth in paragraph 111 of the Complaint.
112. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 112 of the Complaint, except that Defendant obtained a default judgment against Ms. Burks that was ultimately vacated.
113. Denies the allegations set forth in paragraph 113 of the Complaint.
114. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 114 of the Complaint.
115. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 115 of the Complaint.
116. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 116 of the Complaint.
117. Denies the allegations set forth in paragraph 117 of the Complaint.
118. Denies the allegations set forth in paragraph 118 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.
119. Denies the allegations set forth in paragraph 119 of the Complaint.
120. Denies the allegations set forth in paragraph 120 of the Complaint.
121. Denies the allegations set forth in paragraph 121 of the Complaint.
122. Denies the allegations set forth in paragraph 122 of the Complaint.
123. Denies the allegations set forth in paragraph 123 of the Complaint.
124. Denies the allegations set forth in paragraph 124 of the Complaint.
125. Denies the allegations set forth in paragraph 125 of the Complaint.
126. Denies the allegations set forth in paragraph 126 of the Complaint.

127. Denies the allegations set forth in paragraph 127 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

128. Denies the allegations set forth in paragraph 128 of the Complaint inasmuch as they incorporate the additional paragraphs of the Complaint referenced therein, denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations concerning Gotham's knowledge, and admits that Defendant is aware of the Named Plaintiffs' challenge of service.

129. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 129 of the Complaint.

130. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 130 of the Complaint.

131. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 131 concerning Gotham's knowledge, and otherwise denies the allegations set forth in paragraph 131 of the Complaint.

132. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 132 concerning Gotham's knowledge, and otherwise denies the allegations set forth in paragraph 132 of the Complaint.

133. Denies the allegations set forth in paragraph 133 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.

134. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 134 of the Complaint.

135. Denies the allegations set forth in paragraph 135 of the Complaint and states that Defendant was aware that a hearing was scheduled.

136. Denies the allegations set forth in paragraph 136 of the Complaint, and respectfully refers the Court to the documents referred therein for their full and complete contents.

137. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 137 of the Complaint.

138. Denies the allegations set forth in paragraph 138 of the Complaint and states that Defendant was aware that a hearing was scheduled, and Ms. Francis consented to service and the matter settled prior the hearing.

139. Denies the allegations set forth in paragraph 139 of the Complaint, and respectfully refers the Court to the documents referred therein for their full and complete contents.

140. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 140 of the Complaint.

141. Admits the allegations set forth in paragraph 141 of the Complaint and states that service upon Ms. Seifullah was upheld at the subject hearing.

142. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 142 of the Complaint.

143. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 143 of the Complaint.

144. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 144 of the Complaint.

145. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 145 of the Complaint.

146. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 146 of the Complaint.

147. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 147 of the Complaint.

148. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 148 of the Complaint.

149. Denies the allegations set forth in paragraph 149 of the Complaint.

150. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 150 of the Complaint, except states that Defendant paid Gotham a flat fee for each service effectuated in accordance with the CPLR and other applicable law.

151. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 151 of the Complaint.

152. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 152 of the Complaint.

153. Denies the allegations set forth in paragraph 153 of the Complaint.

154. Denies the allegations set forth in paragraph 154 of the Complaint.

155. Denies the allegations set forth in paragraph 155 of the Complaint.

156. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 156 of the Complaint.

157. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 157 of the Complaint.

158. Denies the allegations set forth in paragraph 158 of the Complaint.

159. Denies the allegations set forth in paragraph 159 of the Complaint.

160. Denies the allegations set forth in paragraph 160 of the Complaint.

**RESPONDING TO THE “FACTS CONCERNING THE NAMED PLAINTIFFS”**

**Responding to the Jackie Burks Allegations**

161. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 161 of the Complaint.

162. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 162 of the Complaint.

163. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 163 of the Complaint concerning Ms. Burks’s knowledge, and otherwise denies the allegations set forth in paragraph 163 of the Complaint.

164. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 164 of the Complaint concerning Ms. Burks’s knowledge, and otherwise denies the allegations set forth in paragraph 164 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

165. Denies the allegations set forth in paragraph 165 of the Complaint, except admits that Defendant used Gotham to serve the *Unifund v. Burks* summons and complaint on Ms. Burks.

166. Denies the allegations set forth in paragraph 166 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.

167. Denies the allegations set forth in paragraph 167 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.

168. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 168 of the Complaint.

169. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 169 of the Complaint.

170. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 170 of the Complaint.

171. Denies the allegations set forth in paragraph 171 of the Complaint regarding Elashrafi's service of the summons and complaint, and otherwise denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 171 of the Complaint.

172. Denies the allegations set forth in paragraph 172 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.

173. Denies the allegations set forth in paragraph 173 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.

174. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 174 of the Complaint.

175. Denies the allegations set forth in paragraph 175 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.



176. Denies the allegations set forth in paragraph 176 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

177. Denies the allegations set forth in paragraph 177 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

178. Denies the allegations set forth in paragraph 178 of the Complaint.

179. Denies the allegations set forth in paragraph 179 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

180. Denies the allegations set forth in paragraph 180 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.

181. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 181 of the Complaint.

182. Denies the allegations set forth in paragraph 182 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

183. Denies the allegations set forth in paragraph 183 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and

respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

184. Denies the allegations set forth in paragraph 184 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

185. Denies the allegations set forth in paragraph 185 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

186. Denies the allegations set forth in paragraph 186 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

187. Denies the allegations set forth in paragraph 187 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

188. Denies the allegations set forth in paragraph 188 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

189. Denies the allegations set forth in paragraph 189 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

190. Denies the allegations set forth in paragraph 190 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

191. Denies the allegations set forth in paragraph 191 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

192. Denies the allegations set forth in paragraph 192 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

193. Denies the allegations set forth in paragraph 193 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

194. Denies the allegations set forth in paragraph 194 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and

respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

195. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 195 of the Complaint.

196. Denies the allegations set forth in paragraph 196 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

197. Denies the allegations set forth in paragraph 197 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

198. Denies the allegations set forth in paragraph 198 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

199. Denies the allegations set forth in paragraph 199 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

200. Denies the allegations set forth in paragraph 200 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and

respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

201. Denies the allegations set forth in paragraph 201 of the Complaint.

202. Denies the allegations set forth in paragraph 202 of the Complaint.

203. Denies the allegations set forth in paragraph 203 of the Complaint.

204. Denies the allegations set forth in paragraph 204 of the Complaint.

**Responding to the Brunilda Pagan Cruz Factual Allegations**

205. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 205 of the Complaint.

206. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 206 of the Complaint.

207. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 207 of the Complaint concerning Ms. Cruz's knowledge, and otherwise denies the allegations set forth in paragraph 207 of the Complaint.

208. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 208 of the Complaint concerning Ms. Cruz's knowledge, and otherwise denies the allegations set forth in paragraph 208 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

209. Denies the allegations set forth in paragraph 209 of the Complaint, except admits that Defendant used Gotham to serve the *Unifund v. Cruz* summons and complaint on Ms. Cruz.

210. Denies the allegations set forth in paragraph 210 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.

211. Denies the allegations set forth in paragraph 211 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.

212. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 212 of the Complaint.

213. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 213 of the Complaint.

214. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 214 of the Complaint.

215. Denies the allegations set forth in paragraph 215 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.

216. Denies the allegations set forth in paragraph 216 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.

217. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 217 of the Complaint.

218. Denies the allegations set forth in paragraph 218 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

219. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 219 of the Complaint.

220. Denies the allegations set forth in paragraph 220 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

221. Denies the allegations set forth in paragraph 221 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.

222. Denies the allegations set forth in paragraph 222 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents, and otherwise denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 222 of the Complaint.

223. Denies the allegations set forth in paragraph 223 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents, and otherwise denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 223 of the Complaint.

224. Denies the allegations set forth in paragraph 224 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

225. Denies the allegations set forth in paragraph 225 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and

respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

226. Denies the allegations set forth in paragraph 226 of the Complaint.

227. Denies the allegations set forth in paragraph 227 of the Complaint.

228. Denies the allegations set forth in paragraph 228 of the Complaint.

229. Denies the allegations set forth in paragraph 229 of the Complaint.

230. Denies the allegations set forth in paragraph 230 of the Complaint.

### **Responding to the Venus Cuadrado Factual Allegations**

231. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 231 of the Complaint.

232. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 232 of the Complaint.

233. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 233 of the Complaint.

234. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 234 of the Complaint concerning Ms. Cuadrado's knowledge, and otherwise denies the allegations set forth in paragraph 234 of the Complaint.

235. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 235 of the Complaint concerning Ms. Cuadrado's knowledge, and otherwise denies the allegations set forth in paragraph 235 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.



236. Denies the allegations set forth in paragraph 236 of the Complaint, except admits that Defendant used Gotham to serve the *Unifund v. Cuadrado* summons and complaint on Ms. Cuadrado.

237. Denies the allegations set forth in paragraph 237 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.

238. Denies the allegations set forth in paragraph 238 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.

239. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 239 of the Complaint.

240. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 240 of the Complaint.

241. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 241 of the Complaint.

242. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 242 of the Complaint.

243. Denies the allegations set forth in paragraph 243 of the Complaint.

244. Denies the allegations set forth in paragraph 244 of the Complaint regarding Bouton's service, and otherwise denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 244 of the Complaint.

245. Denies the allegations set forth in paragraph 245 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

246. Denies the allegations set forth in paragraph 246 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents, and otherwise denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 246 of the Complaint.

247. Denies the allegations set forth in paragraph 247 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents, and otherwise denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 247 of the Complaint.

248. Denies the allegations set forth in paragraph 248 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents, and otherwise denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 248 of the Complaint.

249. Denies the allegations set forth in paragraph 249 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.

250. Denies the allegations set forth in paragraph 250 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents, and otherwise denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 250 of the Complaint.

251. Denies the allegations set forth in paragraph 251 of the Complaint.

252. Denies the allegations set forth in paragraph 252 of the Complaint.

253. Denies the allegations set forth in paragraph 253 of the Complaint.

254. Denies the allegations set forth in paragraph 254 of the Complaint.

**Responding to the Rhonda Drye Factual Allegations**

255. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 255 of the Complaint.

256. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 256 of the Complaint.

257. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 257 of the Complaint.

258. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 258 of the Complaint concerning Ms. Drye's knowledge, and otherwise denies the allegations set forth in paragraph 258 of the Complaint.

259. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 259 of the Complaint concerning Ms. Drye's knowledge, and otherwise denies the allegations set forth in paragraph 259 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

260. Denies the allegations set forth in paragraph 260 of the Complaint, except admits that Defendant used Gotham to serve the *Unifund v. Drye* summons and complaint on Ms. Drye.

261. Denies the allegations set forth in paragraph 261 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.

262. Denies the allegations set forth in paragraph 262 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.

263. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 263 of the Complaint.

264. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 264 of the Complaint.

265. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 265 of the Complaint.

266. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 266 of the Complaint.

267. Denies the allegations set forth in paragraph 267 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.

268. Denies the allegations set forth in paragraph 268 of the Complaint, and respectfully refers the Court to the document referred therein for its full and complete contents.

269. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 269 of the Complaint.

270. Denies the allegations set forth in paragraph 270 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

271. Denies the allegations set forth in paragraph 271 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and

respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

272. Denies the allegations set forth in paragraph 272 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

273. Denies the allegations set forth in paragraph 273 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

274. Denies the allegations set forth in paragraph 274 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

275. Denies the allegations set forth in paragraph 275 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

276. Denies the allegations set forth in paragraph 276 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

277. Denies the allegations set forth in paragraph 277 of the Complaint to the extent that they are inconsistent with the pleadings and/or record in the referenced proceeding and respectfully refers the Court to the pleadings and/or record in the referenced proceeding for their true and accurate contents.

278. Denies the allegations set forth in paragraph 278 of the Complaint.

279. Denies the allegations set forth in paragraph 279 of the Complaint.

280. Denies the allegations set forth in paragraph 280 of the Complaint.

281. Denies the allegations set forth in paragraph 281 of the Complaint.

**RESPONDING TO THE “CLASS ACTION ALLEGATIONS”**

282. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 282 of the Complaint.

283. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 283 of the Complaint and respectfully refers all questions of the law to the Court.

284. Denies the allegations set forth in paragraph 284 of the Complaint.

285. Denies the allegations set forth in paragraph 285 of the Complaint.

286. Denies the allegations set forth in paragraph 286 of the Complaint.

287. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 287 of the Complaint and respectfully refers all questions of the law to the Court.

288. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 288 of the Complaint and respectfully refers all questions of the law to the Court.

289. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 289 of the Complaint and respectfully refers all questions of the law to the Court.

290. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 290 of the Complaint and respectfully refers all questions of the law to the Court.

291. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 291 of the Complaint and respectfully refers all questions of the law to the Court.

292. Admit that the named Plaintiffs are represented by NYLAG, and otherwise denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 292 of the Complaint.

293. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 293 of the Complaint and respectfully refers all questions of the law to the Court.

294. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 294 of the Complaint and respectfully refers all questions of the law to the Court.

295. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 295 of the Complaint and respectfully refers all questions of the law to the Court.

296. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 296 of the Complaint and respectfully refers all questions of the law to the Court.

**RESPONDING TO THE FIRST CAUSE OF ACTION (FDCPA)**

297. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 297 of the Complaint and respectfully refers all questions of the law to the Court.

298. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 298 of the Complaint and respectfully refers all questions of the law to the Court.

299. Denies the allegations set forth in paragraph 299 of the Complaint.

300. Denies the allegations set forth in paragraph 300 of the Complaint.

301. Denies the allegations set forth in paragraph 301 of the Complaint.

**RESPONDING TO THE SECOND CAUSE OF ACTION (NY GBL § 349)**

302. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 302 of the Complaint and respectfully refers all questions of the law to the Court.

303. Denies the allegations set forth in paragraph 303 of the Complaint.

304. Denies the allegations set forth in paragraph 304 of the Complaint.

305. Denies the allegations set forth in paragraph 305 of the Complaint.

306. Denies the allegations set forth in paragraph 306 of the Complaint.

307. Denies the allegations set forth in paragraph 307 of the Complaint.



**RESPONDING TO THE THIRD CAUSE OF ACTION (NYC ADMIN. CODE § 20-409.2)**

308. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 308 of the Complaint and respectfully refers all questions of the law to the Court.

309. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 309 of the Complaint and respectfully refers all questions of the law to the Court.

310. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 310 of the Complaint because they are not directed at, and do not seek relief from, Defendant. To the extent a response is required, denies the allegations set forth in paragraph 310 of the Complaint.

311. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 311 of the Complaint because they are not directed at, and do not seek relief from, Defendant. To the extent a response is required, denies the allegations set forth in paragraph 311 of the Complaint.

312. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 312 of the Complaint because they are not directed at, and do not seek relief from, Defendant. To the extent a response is required, denies the allegations set forth in paragraph 312 of the Complaint.

313. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 313 of the Complaint because they are not directed at, and do not seek relief from, Defendant. To the extent a response is required, denies the allegations set forth in paragraph 313 of the Complaint.

**RESPONDING TO THE FOURTH CAUSE OF ACTION (NEGLIGENCE PER SE)**

314. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 314 of the Complaint and respectfully refers all questions of the law to the Court.

315. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 315 of the Complaint and respectfully refers all questions of the law to the Court.

316. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 316 of the Complaint and respectfully refers all questions of the law to the Court.

317. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 317 of the Complaint and respectfully refers all questions of the law to the Court.

318. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 318 of the Complaint and respectfully refers all questions of the law to the Court.

319. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 319 of the Complaint and respectfully refers all questions of the law to the Court.

320. Denies the allegations set forth in paragraph 320 of the Complaint.

321. Denies the allegations set forth in paragraph 321 of the Complaint.

**RESPONDING TO THE FIFTH CAUSE OF ACTION  
(NEGLIGENT HIRING, RETENTION, TRAINING AND SUPERVISION)**

322. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 322 of the Complaint and respectfully refers all questions of the law to the Court.

323. Denies the allegations set forth in paragraph 323 of the Complaint.

324. Denies the allegations set forth in paragraph 324 of the Complaint.

325. Denies the allegations set forth in paragraph 325 of the Complaint.

326. Denies the allegations set forth in paragraph 326 of the Complaint.

**RESPONDING TO THE SIXTH CAUSE OF ACTION (NEGLIGENCE)**

327. Denies knowledge or information sufficient to form a belief as to the truth or the falsity of the allegations set forth in paragraph 327 of the Complaint and respectfully refers all questions of the law to the Court.

328. Denies the allegations set forth in paragraph 328 of the Complaint.

329. Denies the allegations set forth in paragraph 329 of the Complaint.

330. Denies the allegations set forth in paragraph 330 of the Complaint.

**FIRST AFFIRMATIVE DEFENSE**

331. The Complaint fails to state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

332. Plaintiffs' claims are barred, in whole or in part, by the statute of limitations.

**THIRD AFFIRMATIVE DEFENSE**

333. Plaintiffs' claims are barred, in whole or in part, by the doctrines of res judicata and collateral estoppel.

#### **FOURTH AFFIRMATIVE DEFENSE**

334. Plaintiffs' claims are barred, in whole or in part, by the doctrines of waiver, ratification and/or settlement.

#### **FIFTH AFFIRMATIVE DEFENSE**

335. Plaintiffs lack standing to maintain the claims set forth in the Complaint because Plaintiffs cannot establish that they suffered any identifiable concrete and/or particularized injury in fact as a result of the alleged improper actions of the Defendants.

#### **SIXTH AFFIRMATIVE DEFENSE**

336. Plaintiffs have not sustained any injury, damages or other harm as a result of any act or omission of Defendant.

#### **SEVENTH AFFIRMATIVE DEFENSE**

337. Defendant did not engage in any unlawful or otherwise wrongful conduct as alleged in the Complaint.

#### **EIGHTH AFFIRMATIVE DEFENSE**

338. Defendant has at all times relevant to the circumstances alleged by Plaintiffs and the underlying facts of this action acted in good faith and in full compliance with all statutory obligations and applicable law.

#### **NINTH AFFIRMATIVE DEFENSE**

339. Defendant did not make any material misrepresentations, and did not use any false, deceptive or misleading representation or means, in connection with the collection of a debt.

#### **TENTH AFFIRMATIVE DEFENSE**

340. Defendant did not fail to protect any information required to be protected by law and did not fail to disclose, or fail to provide meaningful disclosure of, any information required to be disclosed by law.

#### **ELEVENTH AFFIRMATIVE DEFENSE**

341. To the extent a violation of any provision of the Fair Debt Collection Practices Act occurred, which violation is expressly denied, Defendant did not knowingly, intentionally or willfully commit such violation, and such violation resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid any such error.

#### **TWELFTH AFFIRMATIVE DEFENSE**

342. Plaintiffs' claims fail, in whole or in part, because of Plaintiffs' own acts or omissions.

#### **THIRTEENTH AFFIRMATIVE DEFENSE**

343. Plaintiffs have not incurred any damages and/or have failed to mitigate damages.

#### **FOURTEENTH AFFIRMATIVE DEFENSE**

344. Plaintiffs' claims should be barred as this action is brought in bad faith, frivolously, and with the intent to harass Defendants and, therefore, Plaintiffs are liable to pay reasonable attorneys' fees and costs incurred by Defendant in defense of this action. The claims set forth in the Complaint against Defendant are false and the allegations against Defendant, including those alleging a scheme by Defendant to engage in sewer service, are scandalous and should be stricken.

**FIFTEENTH AFFIRMATIVE DEFENSE**

345. Defendant did not owe a duty to Plaintiffs and did not violate or breach any alleged duty, agreement or obligation to Plaintiff.

**SIXTEENTH AFFIRMATIVE DEFENSE**

346. Plaintiffs' claims are barred, in whole or in part, by the equitable doctrines of laches, estoppel and/or unclean hands.

**SEVENTEENTH AFFIRMATIVE DEFENSE**

347. Plaintiffs' damages, if any, were caused solely as the result of Plaintiffs' separate, independent, culpable conduct and/or negligent actions and/or inactions, or by the separate, independent, culpable conduct and/or negligent actions and/or inactions of third-persons over whom Defendant exercised no control and/or with whom Defendant had/has/have no relationship.

**EIGHTEENTH AFFIRMATIVE DEFENSE**

348. The allegations of the Complaint are not stated with sufficient particularity.

**NINETEENTH AFFIRMATIVE DEFENSE**

349. Plaintiffs' claims are barred by the doctrine of release.

**TWENTIETH AFFIRMATIVE DEFENSE**

350. This Court lacks subject matter jurisdiction over this matter by virtue of the *Rooker-Feldman* doctrine.

**TWENTY-FIRST AFFIRMATIVE DEFENSE**

351. To the extent Plaintiffs' claims against Defendant are predicated upon allegedly false statements, such statements, the alleged falsity of which is denied, were not material and, therefore, not actionable.

#### **TWENTY-SECOND AFFIRMATIVE DEFENSE**

352. Plaintiffs are not entitled to any recovery from Defendant because no act or omission of Defendant was the cause in fact, or the legal proximate cause, of any damage to Plaintiffs.

#### **TWENTY-THIRD AFFIRMATIVE DEFENSE**

353. Plaintiffs' claims must be dismissed because they suffered no damages as a result of any action or inaction by Defendant.

#### **TWENTY-FOURTH AFFIRMATIVE DEFENSE**

354. Every act or omission alleged in the Complaint was done in good faith conformity with the Fair Debt Collection Practices Act and, therefore, there is no liability for any act or omission so alleged.

#### **TWENTY-FIFTH AFFIRMATIVE DEFENSE**

355. The Complaint and its purported cause of action are barred and must be dismissed, in whole or in part, because even if Defendant's actions as alleged by Plaintiff constitute a violation of the Fair Debt Collection Practices Act, which they do not, said actions were carried out in good faith and to comply with the Fair Debt Collection Practices Act.

#### **TWENTY-SIXTH AFFIRMATIVE DEFENSE**

356. Pursuant to 15 U.S.C. § 1692k(a)(3), Defendant is entitled to, and demands, attorneys' fees, expenses and costs associated with defending this action, which has been brought by Plaintiffs in bad faith and for the purpose of harassing Defendant in violation of 15 U.S.C. § 1692k(a)(3).

### **TWENTY-SEVENTH AFFIRMATIVE DEFENSE**

357. Any ultimate recovery by Plaintiffs, to which Defendant denies Plaintiffs are entitled, must be reduced, apportioned, or denied to the extent that any such damages were sustained as a direct and proximate result of the acts, omissions, fault, negligence, fraud or breaches of parties other than Defendant, and as such, Defendant is not responsible for those damages.

### **CROSS-CLAIMS AGAINST GOTHAM PROCESS, INC., BASSEM ELASHRAFI AND CARL BOUTON**

358. Any damages sustained by Plaintiffs were caused in whole or in part by the acts, omissions or other culpable conduct of defendants Gotham Process, Inc., Bassem Elashrafi and/or Carl Bouton, who are or may be liable to Defendant answering hereby for contribution on the basis of their equitable shares of responsibility, or for indemnity on the basis of a contract between them, actual or implied, or their negligence or other culpable conduct, or otherwise, including, without limitation, all costs, disbursements, expenses and attorneys' fees incurred by Defendant in connection with this action.

### **RESERVATION OF RIGHTS**

Defendant expressly reserves all rights, whether at law or equity, to amend its answer and affirmative defenses to the Complaint to assert any additional defenses, affirmative defenses, cross-claims, counterclaims and third-party claims against any party or non-party during or upon the completion of investigation and discovery.



WHEREFORE, Defendant requests that the Complaint be dismissed in its entirety, with such other further relief as the Court deems just and proper.

Dated: New York, New York  
October 22, 2021

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